

By: Raymond

H.B. No. 133

A BILL TO BE ENTITLED

AN ACT

relating to the dissemination of criminal history record information by the Department of Public Safety concerning the offense of intoxication manslaughter and to a task force to reduce habitual driving while intoxicated.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 411.135(a), Government Code, is amended to read as follows:

(a) Any person is entitled to obtain from the department:

(1) any information described as public information under Chapter 62, Code of Criminal Procedure, ~~[as added by Chapter 668, Acts of the 75th Legislature, Regular Session, 1997,]~~ including, to the extent available, a recent photograph of each person subject to registration under that chapter; ~~and~~

(2) criminal history record information maintained by the department that relates to the conviction of or a grant of deferred adjudication to a person for any criminal offense, including arrest information that relates to the conviction or grant of deferred adjudication; and

(3) any information described as public information under Section 411.1356(a).

SECTION 2. Subchapter F, Chapter 411, Government Code, is amended by adding Sections 411.1356 and 411.1357 to read as follows:

1 Sec. 411.1356. PUBLIC ACCESS TO CRIMINAL HISTORY RECORD
2 INFORMATION CONCERNING OFFENSE OF INTOXICATION MANSLAUGHTER. (a)
3 Criminal history record information that concerns a person's
4 conviction within the preceding 10-year period for an offense under
5 Section 49.08, Penal Code, is public information, with the
6 exception of:

7 (1) any information regarding the person's social
8 security number, driver's license number, or telephone number; and

9 (2) any information that would identify a victim of
10 the offense.

11 (b) The department shall implement and maintain an Internet
12 website to allow any person, free of charge, to electronically
13 search for and receive information described by Subsection (a).
14 The website must be searchable by zip code, city, county, or the
15 name of the person convicted. The search results must include for
16 each person convicted:

17 (1) the person's full name and last known address; and

18 (2) a recent photograph of the person, if a photograph
19 is available to the department.

20 (b-1) The department shall provide written notice to the
21 convicted person not later than the 10th day after the day on which
22 the department places the person's name on the Internet website
23 described by Subsection (b).

24 (c) The department shall remove the criminal history record
25 information concerning a person's conviction for an offense under
26 Section 49.08, Penal Code, from the Internet website as soon as
27 practicable after the earliest of:

(1) the 10th anniversary of the date of the
conviction;

(2) the date on which the conviction is reversed on
appeal; or

(3) the date on which an order of expunction is entered
with respect to records and files in the case.

Sec. 411.1357. CRIMINAL HISTORY RECORD INFORMATION
CONCERNING OFFENSE OF INTOXICATION MANSLAUGHTER PROVIDED TO PEACE
OFFICER ON REQUEST. (a) The department shall establish a procedure
by which a peace officer or employee of a law enforcement agency who
provides the department with a driver's license number, personal
identification certificate number, or license plate number may be
provided any criminal history record information maintained by the
department concerning a conviction of the person to whom the
license, certificate, or plate is issued for an offense under
Section 49.08, Penal Code, within the preceding 10-year period.

(b) The procedure established under Subsection (a) must allow a peace officer to request the information from the location of a motor vehicle stop and to receive a response to the request within the duration of a reasonable motor vehicle stop.

SECTION 3. Subtitle B, Title 4, Government Code, is amended by adding Chapter 423 to read as follows:

CHAPTER 423. TASK FORCE TO REDUCE HABITUAL INCIDENTS OF DRIVING
WHILE INTOXICATED

Sec. 423.001. DEFINITION. In this chapter, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09(c), Penal Code.

1 Sec. 423.002. TASK FORCE COMPOSITION. The Task Force to
2 Reduce Habitual Incidents of Driving While Intoxicated is composed
3 of 12 members appointed as follows:

4 (1) six members appointed by the governor:

5 (A) one of whom is a judge from a specialty court;

6 (B) one of whom has expertise in specialty courts
7 designed to address addiction;

8 (C) one of whom has been charged with or
9 convicted of an offense relating to the operating of a motor vehicle
10 while intoxicated;

11 (D) one of whom has been a victim of an offense
12 relating to the operating of a motor vehicle while intoxicated;

13 (E) one of whom has expertise in criminal
14 justice; and

15 (F) one of whom has expertise in best practice
16 substance abuse treatment;

17 (2) three members appointed by the lieutenant
18 governor:

19 (A) one of whom is a prosecuting attorney;

20 (B) one of whom is a public defense attorney; and

21 (C) one of whom is a university scholar with
22 expertise in substance abuse treatment; and

23 (3) three members appointed by the speaker of the
24 house of representatives:

25 (A) one of whom is a state representative;

26 (B) one of whom is a state senator; and

27 (C) one of whom is appropriately qualified as

1 determined by the speaker.

2 Sec. 423.003. APPOINTMENT OF PRESIDING OFFICER. The
3 governor shall designate a member of the task force to serve as
4 presiding officer.

5 Sec. 423.004. DUTIES. (a) The task force shall:

6 (1) study the best practice responses to habitual
7 offenses relating to the operating of a motor vehicle while
8 intoxicated, for purposes of reducing habitual incidents of those
9 offenses and incidents of driving fatalities among intoxicated
10 drivers;

11 (2) examine first-time, repeat, and habitual driving
12 while intoxicated data collected in this state, including data
13 relating to:

14 (A) driving fatalities involving intoxicated
15 drivers; and

16 (B) automatic driver's license suspensions by
17 the Department of Public Safety for convictions of an offense
18 relating to the operating of a motor vehicle while intoxicated;

19 (3) monitor other states for laws and programs that
20 have been successful in reducing the occurrence of offenses
21 relating to the operating of a motor vehicle while intoxicated in
22 those states; and

23 (4) confer with the Texas Department of
24 Transportation, the Department of Public Safety, the Texas
25 Department of Criminal Justice, and the Department of State Health
26 Services to reduce alcoholism, recidivism, and the occurrence of
27 offenses relating to the operating of a motor vehicle while

1 intoxicated in this state.

2 (b) Not later than December 1, 2014, the task force shall
3 submit a report to the governor, the lieutenant governor, and the
4 speaker of the house of representatives that:

5 (1) describes its findings, including the success of
6 state laws and programs in reducing the occurrence of offenses
7 relating to the operating of a motor vehicle while intoxicated;

8 (2) recommends best practice responses to habitual
9 driving while intoxicated; and

10 (3) recommends legislation relating to the prevention
11 of offenses relating to the operating of a motor vehicle while
12 intoxicated in this state.

13 (c) The Texas Legislative Council and the Legislative
14 Budget Board shall assist the task force in performing its duties.

15 Sec. 423.005. EXPIRATION. The task force is abolished and
16 this chapter expires January 1, 2015.

17 SECTION 4. Not later than May 1, 2014, the Department of
18 Public Safety shall implement the Internet website required under
19 Section 411.1356, Government Code, as added by this Act, and shall
20 make available to a requesting person the information described by
21 Section 411.1356 or 411.1357, Government Code, as added by this
22 Act.

23 SECTION 5. The governor, lieutenant governor, and speaker
24 of the house of representatives shall make the appointments to the
25 Task Force to Reduce Habitual Incidents of Driving While
26 Intoxicated required by Chapter 423, Government Code, as added by
27 this Act, as soon as practicable after the effective date of this

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1 Act.

2 SECTION 6. This Act takes effect September 1, 2013.